



# Public Notice

**US Army Corps  
of Engineers**  
Louisville District

Public Notice No.  
200400143

Date:  
8 Mar 04

Closing Date:  
7 Apr 04

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Mr. George Delancey, CELRL-OP-FS  
P.O. Box 489  
Newburgh, Indiana 47629-0489

Phone: (812) 853-5631

This notice announces an application submitted for a modification to Department of the Army (DA) Permit number 198790069. This revision request is subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA)

APPLICANT:           Daviness County Sand & Gravel  
                          6133 U.S. 60 East  
                          Owensboro, Kentucky 42303

AGENT:               American Engineers Inc.  
                          714 Lyndon Lane  
                          Suite 9  
                          Louisville, Kentucky 40222

LOCATION:             The proposed project is located on the left bank of the  
                          Ohio River at Mile 751.5, adjacent to 6133 U.S. Highway  
                          60, Owensboro, Daviess County, Kentucky.  
                          Latitude:           37-49-19.9473  
                          Longitude:          87-02-54.4279  
                          7.5 Minute Quad: Owensboro East, Kentucky

PURPOSE:            To expand the existing loading/unloading terminal to  
                          improve the efficiency and capacity of current  
                          operations.

DESCRIPTION OF WORK: The applicant proposes to expand their existing transloading facility. The existing terminal includes 1 barge-mounted crane to support an existing hopper and conveyor system. The proposed expansion would include the addition of a fleeting area at the terminal. Also, 2 barge-mounted cranes would be used in conjunction with 3 mobile hopper and conveyor systems to load/unload the fleet. The configuration of the fleet would be 4 barges long and 3 barges wide. The total number of barges for the expansion would be 12, which would include 2 barge mounted cranes. The maximum riverward projection of the fleet at normal pool would be 105 feet.

The applicant also proposes to construct an 800 linear foot Derrick Stone Wall with aggregate backfill. The 14-foot high Derrick Stone Wall would be built below the Ordinary High Water elevation (372.4 feet Ohio River Datum). Approximately, 1,150 cubic yards of crushed aggregate stone would be placed behind the wall as fill material. The area behind the wall would be capped with a 3-foot thick aggregate blend pad. The barges would be moored via tie-offs embedded in the Derrick Wall and would have safety-mooring capabilities via existing h-piles driven above

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the Ordinary High Water elevation. Attachment cables for mooring would be a minimum of 1-1/8" diameter.

Commodities presently permitted to be loaded and unloaded are sand and gravel. The applicant proposes to add wood chips to the permitted commodities.

REVIEW PROCEDURES: A DA Permit modification cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Kentucky Natural Resources and Environmental Protection Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the requested modification.

The National Register of Historic Places has been examined and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 -Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic

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values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections that are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Mr. George Delancey, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number 200400143.